



ITW
CD Room
Attorney Docket No. 47237-5008-00US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Yoshikazu TANAKA et al.

Application No.: 10/583,110

Filed: June 15, 2006

FOR: METHOD FOR PRODUCING YELLOW
FLOWER BY CONTROLLING
FLAVONOID SYNTHETIC PATHWAY

:
:
: Confirmation No.: 4016
:
: Group Art Unit: 1638
:
: Examiner: Stuart F. Baum
:
:
:
:

RESPONSE TO NOTICE TO COMPLY WITH
REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Mail Stop: AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby submit a response to the Notification to Comply mailed July 22, 2008, on or before August 22, 2008. Attached hereto is a CRF copy of the substitute Sequence Listing, a paper copy of the substitute Sequence Listing, and a Statement to Support Filing and Submission in Accordance with 37 C.F.R. § 1.821-1.825.

IN THE SPECIFICATION:

Please replace the existing Sequence Listing with the attached substitute Sequence Listing.

CONCLUSION

The attached Sequence Listing is to be incorporated by reference into the specification. If the Office has any questions regarding this submission, the Office is invited to contact the undersigned attorney.

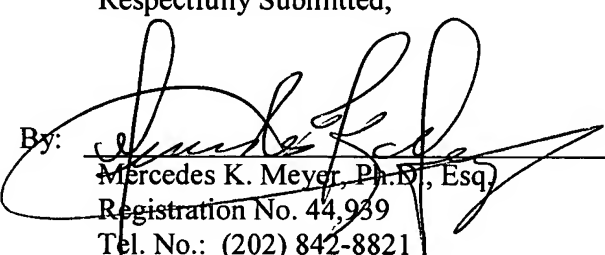
Should the Examiner have any questions or comments regarding Applicants' amendments or response, the Examiner is asked to contact Applicants' undersigned representative at (202) 842-8821. Please direct all correspondence to the below-listed address.

In the event that the Office believes that there are fees outstanding in the above-referenced matter and for purposes of maintaining pendency of the application, the Office is authorized to charge the outstanding fees to Deposit Account No. 50-0573. The Office is likewise authorized to credit any overpayment to the same Deposit Account Number.

Respectfully Submitted,

Date: August 14, 2008
DRINKER BIDDLE & REATH LLP
Customer No. **55694**
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel. No.: 202-842-8800

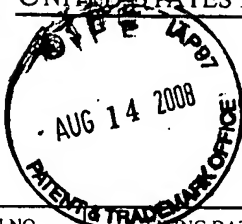
By:


Mercedes K. Meyer, Ph.D., Esq.
Registration No. 44,939
Tel. No.: (202) 842-8821
Fax No.: (202) 842-8465



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



Mercedes
227786

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,110	06/15/2006	Yoshikazu Tanaka	47237-5008-00-US	4016

55694 7590 07/22/2008
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

RECEIVED BY DOCKETING

JUL 24 2008

DRINKER BIDDLE & REATH LLP

EXAMINER

BAUM, STUART F

ART UNIT	PAPER NUMBER
----------	--------------

1638

MAIL DATE	DELIVERY MODE
-----------	---------------

07/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Docketed 7-24-08 Attorney RLG/MMM
Case 47237-5008
Due Date 8-22-08
Action Sequence Listing
By mob chk BSM

2:14 pm



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
----------------------------	-------------	---	---------------------



EXAMINER

Stuart Baum

ART UNIT	PAPER
----------	-------

1638

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Attached is the report from STIC indicating the errors in the sequence listing. Correction is requested.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stuart F. Baum whose telephone number is 571-272-0792. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached at 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

/Stuart F. Baum/
Stuart F. Baum Ph.D.
Primary Examiner
Art Unit 1638



Sequence Count Sheet

Application No.

Applicant(s)

Examiner
Stuart Baum

Art Unit
1638

DATE OF COUNT _____

Mark only one space below

- ☐ **(CRFN)** (CRF is unreadable; use CRF Diskette Problem Report)
- ☒ **(CRFD)** (CRF does not comply; use Notice to Comply)
- ☐ **(CRFR)** (CRF required but none submitted; use Notice to Comply)
- ☐ **(bona fide)** (second or subsequent letter to applicant reporting bona fide attempt to comply; use Notice to Comply and send copy of RSL)
- ☐ **(non bona fide)** (second or subsequent letter to applicant reporting non-bona fide attempt to comply; use Notice to Comply and send copy of RSL)



Notice to Comply	Application No.	Applicant(s)	
	Examiner	Art Unit	
	Stuart Baum	1638	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY



THIS REPORT CONTAINS
FOUR PAGES

Sequence Listing could not be accepted.

If you need help call the Patent Electronic Business Center at (866)
217-9197 (toll free).

Reviewer: Anne Corrigan

Timestamp: Thu Jun 07 15:22:08 EDT 2007

Reviewer Comments:

<220>

<221> modified_base

<222> (1359)

<223> a, t, c, g, unknown or other

<400> 20

aaaatgattg agaaaggaat caggaggtg atggaccgg aaaatgagat aaggggtaat 1320
gtgaaagtga tgaagaaagga gagtaggana gctgtcgtg atggtgggac ttcttttgat 1380

The <222> response lists 1359 as the "n" location; however, it is at
location 1349 (see above).



Validated By CRFValidator v 1.0.2

Application No: 10583110 Version No: 1.0

Input Set:

Output Set:

Started: 2007-06-07 10:32:47.670
Finished: 2007-06-07 10:32:51.243
Elapsed: 0 hr(s) 0 min(s) 3 sec(s) 573 ms
Total Warnings: 67
Total Errors: 0
No. of SeqIDs Defined: 70
Actual SeqID Count: 70

Error code	Error Description
W 213	Artificial or Unknown found in <213> in SEQ ID (1)
W 213	Artificial or Unknown found in <213> in SEQ ID (2)
W 213	Artificial or Unknown found in <213> in SEQ ID (3)
W 213	Artificial or Unknown found in <213> in SEQ ID (4)
W 213	Artificial or Unknown found in <213> in SEQ ID (5)
W 213	Artificial or Unknown found in <213> in SEQ ID (6)
W 213	Artificial or Unknown found in <213> in SEQ ID (7)
W 213	Artificial or Unknown found in <213> in SEQ ID (8)
W 213	Artificial or Unknown found in <213> in SEQ ID (9)
W 213	Artificial or Unknown found in <213> in SEQ ID (10)
W 213	Artificial or Unknown found in <213> in SEQ ID (11)
W 213	Artificial or Unknown found in <213> in SEQ ID (12)
W 213	Artificial or Unknown found in <213> in SEQ ID (13)
W 213	Artificial or Unknown found in <213> in SEQ ID (14)
W 213	Artificial or Unknown found in <213> in SEQ ID (15)
W 213	Artificial or Unknown found in <213> in SEQ ID (16)
W 213	Artificial or Unknown found in <213> in SEQ ID (17)
W 213	Artificial or Unknown found in <213> in SEQ ID (18)
W 213	Artificial or Unknown found in <213> in SEQ ID (19)
W 213	Artificial or Unknown found in <213> in SEQ ID (20)

Input Set:

Output Set:

Started: 2007-06-07 10:32:47.670
Finished: 2007-06-07 10:32:51.243
Elapsed: 0 hr(s) 0 min(s) 3 sec(s) 573 ms
Total Warnings: 67
Total Errors: 0
No. of SeqIDs Defined: 70
Actual SeqID Count: 70

Error code	Error Description
	This error has occurred more than 20 times, will not be displayed

SEQUENCE LISTING

<110> TANAKA, YOSHIKAZU
OHO, EIICHIRO
NAKAMURA, MORIKO
MIZUTANI, MASAKO

<120> METHOD FOR PRODUCING YELLOW FLOWER BY CONTROLLING
FLAVONOID SYNTHETIC PATHWAY

<130> 47237.5008/0008

<140> 10583110
<141> 2007-06-07

<150> 10/583.110
<151> 2006-06-15

<150> PCT/JP2004/019461
<151> 2004-12-17

<150> JP 2003-42046
<151> 2003-12-17

<160> 70

<170> PatentIn Ver. 3.3

<210> 1
<211> 1422
<212> DNA
<213> Artificial Sequence

<220>
<221> CDS
<222> (1)..(1371)

<220>
<223> Description of Artificial Sequence: Synthetic
nucleotide construct

<400> 1
atg gga gaa gaa tac aag aaa aca cac aca ata gtc ttt cac act tca 48
Met Gly Glu Glu Tyr Lys Lys Thr His Thr Ile Val Phe His Thr Ser
1 5 10 15
gaa gaa cac ctc aac tct tca ata gcc ctt gca aag ttc ata acc aaa 96
Glu Glu His Leu Asn Ser Ser Ile Ala Leu Ala Lys Phe Ile Thr Lys
20 25 30
cac cac tct tca atc tcc atc act atc atc aac aat gcc ccc gcc gaa 144
His His Ser Ser Ile Ser Ile Thr Ile Ile Ser Thr Ala Pro Ala Glu
35 40 45
tct tct gaa gtg gcc aaa att att aat aat ccg tca ata act tac cgc 192
Ser Ser Glu Val Ala Lys Ile Ile Asn Asn Pro Ser Ile Thr Tyr Arg
50 55 60

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 47237.5008-00US

In re patent application of
TANAKA, YOSHIKAZU et al.

Serial No.: 10/583,110

Filed: June 15, 2006

For: METHOD FOR PRODUCING YELLOW FLOWER BY CONTROLLING FLAVONOID SYNTHETIC
PATHWAY



STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Mail Stop SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently
herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37
C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the
attached computer readable copy of the Sequence Listing, submitted in
accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

July 29, 2008
Date

Wt C1
Bridget Conroy

HARBOR CONSULTING IP SERVICES, INC.
1500A Lafayette Road, #262
Portsmouth, N.H. 03801
800-318-3021